

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMB-TOTTI ALASSANI : CIVIL ACTION
: NO. 10-4491
v. :
: MARY-ELLEN WALTER, et al. :

ORDER

AND NOW, this 14th day of January, 2011, in consideration of defendant Kathleen Shields's motion to dismiss, plaintiff's response and Shields's reply, it is ORDERED that:

- (1) Shields's motion to dismiss for failure to state a claim is DENIED;
- (2) Shields's motion to dismiss on the basis of absolute immunity is DENIED; and
- (3) Shields's motion to dismiss insofar as plaintiff's complaint alleged claims against her in her official capacity is GRANTED. Such claims are DISMISSED;

In consideration of defendant Mary-Ellen Walter's motion to dismiss or, alternatively, motion for summary judgment, plaintiff's response and Walter's reply, it is ORDERED that:

- (1) Walter's motion to dismiss for lack of subject matter jurisdiction is DENIED;
- (2) Walter's motion to substitute the United States as a party is DENIED;
- (3) Walter's motion to dismissed for failure to state a claim upon which relief can be granted is DENIED;
- (4) Walter's motion to dismiss or, alternatively, for summary judgment on the basis that probable cause existed to support plaintiff's arrest is DENIED; and
- (5) Walter's motion to dismiss, or alternatively, for summary judgment on the basis of qualified immunity is DENIED.

It is FURTHER ORDERED that the parties submit an agreed-upon scheduling order to

the Court for approval.

/s/ THOMAS N. O'NEILL, JR.
THOMAS N. O'NEILL, JR., J.